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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,722	08/29/2003	Paul M. Baris	03-40154-US (883807.20001)	9711
7066	7590	04/01/2005	EXAMINER	
REED SMITH LLP 2500 ONE LIBERTY PLACE 1650 MARKET STREET PHILADELPHIA, PA 19103			BASICHAS, ALFRED	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,722

Applicant(s)BARIS ET AL. *el***Examiner**

Alfred Basichas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (6,520,473) in view of Lorenz (5,950,617). Lee discloses substantially all of the claimed limitations. Lee disclose a transportable grill including, among other things, a lateral element 20, a vertical element 64, and a grill unit 12, the lateral element comprising a mounting element 40 and a junction element 24, wherein said junction element allows traverse of the junction element relative to the vertical element to allow alternately positioning the junction element and associated lateral element in travel and use positions, wherein said junction element further comprises a locking feature and retention feature (see at least fig. 10) , wherein said transportable grill further comprises a lifting device 66,90,96. Lee does not specifically recite the newly added limitation of the vertical element having a ground engagement portion. Lorenz teaches a transportable grill including a vertical element 25 having a ground engagement portion 110. Lorenz specifically states that such an arrangement provides for the added benefit of moving the grill more easily into a desirable position (see at least col. 5, lines 44-49). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the ground engagement portion of Lorenz into the invention disclosed by Lee, so as to provide for moving the grill more easily into a desirable position.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeDuc (6,701,913) in view of Lorenz (5,950,617). LeDuc discloses substantially all of

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the claimed limitations. LeDuc discloses a transportable grill including, among other things, a lateral element 324, a vertical element 384, and a grill unit 348,416, the lateral element comprising a mounting element 306 and a junction element 340,376, wherein said junction element allows traverse of the junction element relative to the vertical element to allow alternately positioning the junction element and associated lateral element in travel and use positions, wherein said junction element further comprises a locking feature 388 for locking the position of the junction element relative to the vertical element, wherein said mounting element further comprises a retention feature 312 to retain said mounting element in a receiver hitch when said mounting feature is engaged to a receiver hitch, wherein said transportable grill further comprises a lifting device 410 for assisting a user in positioning the junction element relative to the vertical element, and wherein the lateral element is hinged (see at least fig. 3, 350) relative to the junction element. LeDuc does not specifically recite the newly added limitation of the vertical element having a ground engagement portion. Lorenz teaches a transportable grill including a vertical element 25 having a ground engagement portion 110. Lorenz specifically states that such an arrangement provides for the added benefit of moving the grill more easily into a desirable position (see at least col. 5, lines 44-49). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the ground engagement portion of Lorenz into the invention disclosed by LeDuc, so as to provide for moving the grill more easily into a desirable position.

Response to Arguments

6. Applicant's arguments with respect to the claim have been considered but are moot in view of the new grounds of rejection.

a. Applicant's arguments are solely based on the inclusion of the new limitation of the ground engagement means. As this limitation has now been addressed by the above rejection, applicant's arguments are moot.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Basichas whose telephone number is 571 272

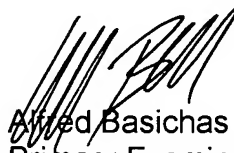
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4871. The examiner can normally be reached on Monday through Friday during regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571 272 4877. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center telephone number is 571 272 3700.

March 25, 2005


Alfred Basichas
Primary Examiner